

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

NATHAN JOEL NICHOLS §
VS. § CIVIL ACTION NO. 1:12-CV-382
LAYNE WALKER, ET AL. §

**ORDER OVERRULING PETITIONER'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Nathan Joel Nichols, a prisoner confined at the Jefferson County Jail, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends denying respondent's motion to dismiss, petitioner's motions for summary judgment, and petitioner's motion to oppose the motion to dismiss.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Petitioner filed objections to the Magistrate Judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is

ADOPTED. Respondent's motion to dismiss (document no. 24), petitioner's motions for summary judgment (document nos. 19, 26, and 30), and petitioner's motion to oppose the motion to dismiss (document no. 33) are **DENIED**. Respondent shall file a supplemental response, addressing the merits of the petition and attach all relevant portions of the record, within thirty days of the date of this order.

So **ORDERED** and **SIGNED** this **11** day of **March, 2014**.



Ron Clark, United States District Judge